

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALLSTATE INSURANCE COMPANY,
etc.,)
Plaintiff,
vs.
SOLICITOR GENERAL OF THE
UNITED STATES OF AMERICA, etc.,
Defendant.

3:08-cv-371-LRH-VPC

**FEDERAL DEFENDANT'S
MOTION FOR EXTENSION
OF TIME TO FILE RESPONSE
TO COMPLAINT; ORDER**

Federal defendant “Solicitor General of the United States of America,” through his undersigned counsel, moves this Court for an Order extending the time within which he is required to file a responsive pleading to and including September 2, 2008. The basis for this motion is as follows:

1. This action was originally filed in the Second Judicial District Court (Washoe County) for the State of Nevada. The only named defendant in this action is identified as "Solicitor General of the United States of America."

2. On July 3, 2008, federal defendant “Solicitor General” filed a Notice of Removal (#1) removing this action from the State Court to the Federal Court.

3. Rule 81(c), Federal Rules of Civil Procedure, provides the time period to answer a complaint in a removed action. The time period provided is the later of twenty (20) days after service of the complaint or five (5) days after removal. However, the United States or a federal

1 officer (such as the Solicitor General) would ordinarily be permitted a sixty (60) day response time
2 pursuant to Rule 12(a)(3), Federal Rules of Civil Procedure.

3 4. At this time, it is not apparent when (or if) defendant Solicitor General was served with
4 process in connection with the State-court action prior to removal. It is proposed and requested that
5 the time within which to file a response be extended to September 2, 2008 (without waiving the
6 defense of insufficiency of service of process).

7 5. The usual sixty day response time is needed to adequately evaluate the allegations of the
8 complaint and to prepare a response to the complaint on behalf of the defendant Solicitor General.

9 6. No prior request has been made for the relief requested herein.

10 11 Respectfully submitted,

12 13 GREGORY A. BROWER
United States Attorney

14 15 /s/ Greg Addington
GREG ADDINGTON
16 Assistant United States Attorney

17 IT IS SO ORDERED

18 DATED this 10th day of July, 2008.



19 20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE